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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,443	10/09/2001	Craig David Johnson	68.0191	5949

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EXAMINER

GAY, JENNIFER HAWKINS

ART UNIT PAPER NUMBER

3672

DATE MAILED: 08/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

123

Advisory Action

Application No.

09/973,443

Applicant(s)

JOHNSON, CRAIG DAVID

Examiner

Jennifer H Gay

Art Unit

3672

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: 1-9, 15-19 and 21-25.

Claim(s) objected to: _____.

Claim(s) rejected: 10-14.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
10. ☐ Other: _____


DAVID BAGNELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Continuation of 3. Applicant's reply has overcome the following rejection(s): 35 USC 102(b) rejection of claim 15 and the 35 USC 103(a) rejection of claims 1, 2, 4-9, 15-18 and 25.

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments with respect to claims 10-14 were not considered persuasive. Specifically applicant argues that Bode teaches away from knowing the flow restriction through a well screen in paragraph 0009 to which the examiner notes that this paragraph does not indicate that the flow restriction through the well screen would not be known by the operator only that it isn't adjustable in the wellbore which is not a claimed feature. Applicant further argues that Bode teaches that the operator does not know the degree of flow restriction that is required before the screen is placed in the wellbore which is also not a claimed feature. Applicant further argues that the flow restriction taught by Bode does not meet the limitations of the claims because it is not a gravel/sand packed wellbore screen; such a flow restrictor is taught in paragraph 0063 of Bode. Applicant further argues that White does not teach a gravel pack creating a progressively decreasing substantially radial flow restriction along its length in Figure 7. The examiner believes that Figure 7 does teach this feature but notes that Figures 4 and 8 show that cement is forced down the tubing string to be placed below the gravel pack and that the forcing of the cement into the annulus around the tubing would cause the cement to penetrate the bottom of the gravel pack thus decreasing the radial flow restriction of the gravel pack..